

05-10-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICEA
Box SegIn re of Application of: Ozenberger, *et al.*

Serial No.: TBD Group Art No.: TBD
 Filed: May 9, 2001 Examiner: TBD
 For: β -Amyloid Peptide-Binding Proteins and Polynucleotides
 Encoding the Same
 Confirmation No.: TBD
 Customer Number: 25291

JC971 U.S. PTO
09/852100
05/09/01



10/60/01
U.S. PTO
JC971

Commissioner for Patents
Box Patent Application
Washington, DC 20231

APPLICATION FOR TRANSMITTAL UNDER 37 CFR 1.53 (B)

Transmitted herewith for filing is the patent application of the following Inventor(s):
 Bradley A. Ozenberger, Jonathan A. Bard, Eileen M. Kajkowski, Jack S. Jacobsen, Stephen G. Walker, Heidi Sofia, and David Howland;
 For: " β -Amyloid Peptide-Binding Proteins and Polynucleotides Encoding the Same"

1. This new application is for a:
 - Divisional
 - Continuation
 - Continuation-in-part (CIP)
2. Benefit of Prior U.S. Application(s) (35 USC 120)
 This application is a continuation-in-part of U.S. Ser. No. 09/774,936 filed January 31, 2001; U.S. Ser. No. 09/172,990 filed October 14, 1998; U.S. Ser. No. 09/060,609 filed April 15, 1998, now abandoned; U.S. Provisional Application No. 60/064,583 filed April 16, 1997; PCT Application No. PCT/US99/21621 filed October 13, 1999; and U.S. Provisional Application No. 60/104,104 filed October 13, 1998.
3. Papers enclosed which are required for filing date under 35 CFR 1.53(b):
 - Pages of specification – 69 pages
 - Sequence Listing – 5 pages on
 - 3.5 Diskette; or
 - Paper
 - Pages of claims – 5 pages
 - Page(s) of abstract – 1 pages
 - Sheets of drawing – 13 pages
 - Formal
 - Informal
4. Additional papers enclosed
 - Information Disclosure Statement
 - Form PTO-1449
 - Citations
 - Declaration of Biological Deposit
 - Computer Readable Form of Sequence Listing

Declaration Under 37 CFR 1.821(f)
 Other:

~~~~~  
CERTIFICATE OF MAILING 37 CFR §1.10

I hereby certify that this paper and the documents referred to as enclosed therein are being deposited with the United States Postal Service on the date written below in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EL704977039US addressed to the Commissioner for Patents, Box Patent Application, Washington, DC 20231.

5/9/01

Date

  
Julia Richie

5. Declaration

Copy from a prior application (37 CFR 1.63 (d)) is enclosed  
 New declaration enclosed and executed by all inventor(s)  
 New declaration not enclosed or not executed by all inventor(s)

6. Assignment

An assignment of the invention to:

American Home Products Corporation  
Five Giralda Farms  
Madison, New Jersey 07940

was made in the prior application and recorded in PTO on , Reel , Frame .  
 is attached under separate Recordation Form Cover Sheet.  
 will follow.

7. Incorporation By Reference

The entire disclosure of the prior applications, from which a copy of the oath or declaration is supplied under Section 5 of this transmittal, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

8. Amendments

Cancel in this application original claims of the prior application before calculating the filing fee. (At least one original independent claim is retained for filing purposes.)  
 A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following with the highest numbered original claim in the prior application.)

9. General Authorization:

During the pendency of this application treat any reply requiring a petition for extension of time for its timely submission as containing a request therefor for the appropriate length of time. The Commissioner is hereby authorized to charge all required extension of time fees during the entire pendency of this application to Deposit Account No. 01-1425.

## 10. Filing Fee Calculation

| CLAIMS AS AMENDED             |                        |                               |                  |                  |
|-------------------------------|------------------------|-------------------------------|------------------|------------------|
| (1)<br>FOR                    | (2)<br>NUMBER<br>FILED | (3)<br>NUMBER EXTRA x<br>RATE | (4)<br>BASIC FEE |                  |
|                               |                        |                               |                  | \$710.00         |
| TOTAL CLAIMS                  | 33                     | 13 x \$ 18.00                 | 234.00           |                  |
| INDEPENDENT<br>CLAIMS         | 25                     | 22 x \$ 80.00                 | 1760.00          |                  |
| MULTIPLE<br>DEPENDENCY<br>FEE |                        | \$ 270.00                     |                  |                  |
|                               |                        | <b>Total Filing Fee:</b>      |                  | <b>\$2704.00</b> |

11. Fee payment being made at this time:

12. Method of Payment of Fees:

Charge Deposit Account No. 01-1425 in the amount of \$2704.00.  
A duplicate of this transmittal is attached.

13. Instructions as to Overpayment:

Credit any overpayment to Deposit Account No. 01-1425.

14. Authorization to Charge Additional Fees

- The Commissioner is hereby authorized to charge the following additional fees by this paper and during the entire pendency of this application to Deposit Account No. 01-1425:
  - 37 CFR 1.16(a), (f), or (g) filing fees
  - 37 CFR 1.16(b), (c), and (d) presentation of extra claims
  - 37 CFR 1.16(e) surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application.
  - 37 CFR 1.17 application processing fees

15. Relate Back (35 USC 120)

- Amend the Specification by inserting at page 1, line 5 before "U.S. Ser. No." the following:

--application U.S. Ser. No. 09/774,936 filed January 31, 2001;--

16. Further Inventorship Statement Where Benefit of Prior Application(s) Claimed

- (a)  This application discloses and claims only subject matter disclosed in the prior application whose particulars are set out above and the inventor(s) in this application is (are)
  - the same
  - less than those named in the prior application and it is requested that the following inventor(s) identified for the prior application be deleted in accordance with the signed statement attached deleting inventor(s) named in the prior application (see 37 CFR 1.63(d)(2) and 1.33(b));

(b)  This application discloses and claims additional disclosure by amendment and a new declaration is being filed. With respect to the prior application the inventor(s) in this application is (are)  
 the same  
 the following additional inventors have been added:

17. Maintenance of Copendency of Prior Application

(a)  Extension of Time in Prior Application  
 A petition, fee and response extends the term in the pending prior application until  
 A copy of the petition filed in the prior application is attached.

(b)  Conditional petition for Extension of Time in Prior Application.  
 A conditional petition for extension of time is being filed in the pending prior application.  
 A copy of the conditional petition filed in the prior application is attached.

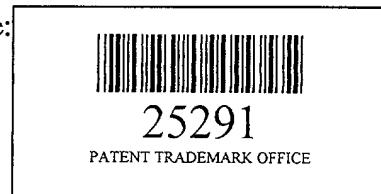
18. Request and Certification Under 35 U.S.C 122(b)(2)(B)(i).

A request not to publish this application and certification under 35 U.S.C. 122(b)(2)(B)(i) is attached.

19. SEND CORRESPONDENCE TO:

Customer Number: 25291

Bar Code:



DIRECT ALL TELEPHONE CALLS TO:

Name: Gavin T. Bogle  
Tel. No. (617) 665-8079

20.  Return Receipt Postcard is attached.

A handwritten signature in black ink, appearing to read "Gavin T. Bogle".

Gavin T. Bogle

See Attached Certificate

American Home Products Corporation  
Patent Law Department  
Five Giralda Farms  
Madison, NJ 07940-0874  
Tel. No. (617) 665-8079